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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DIVISION OF CALIFORNIA

San Francisco Division

STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE

1 IT IS HEREBY STIPULATED by and between parties to this action through their
2 designated counsel that the above-captioned action be, and hereby is, dismissed with
3 prejudice pursuant to Fed.R.Civ.P. 41(a)(1). Provided, however, that if any party hereto
4 shall certify to this Court, with a proof of service of a copy on opposing counsel, within 90
5 days from the date hereof, that the agreed consideration for the settlement has not been
6 delivered over, this Order shall stand vacated, and the action shall be restored to the
7 calendar to be set for trial.

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10 Dated: January 5, 2010

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McGUINN, HILLSMAN & PALEFSKY
Cliff Palefsky
Carolyn Leary

By: _____ /S/
Attorneys for Peter Conlan

Dated: January 5, 2010

Dillingham & Murphy, LLP
Carla Hartley
Molly Mrowka

By: _____ /S/
Attorneys for Cutera, Inc.

IT IS SO ORDERED.


The Honorable Maxine Chesney

Date: January 6, 2010